

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WELLS FARGO & COMPANY, et al.,)
)
Plaintiff,) Civil No. 09-cv-02764-PJS-TNL
)
v.)
) **ORDER**
UNITED STATES OF AMERICA,)
)
Defendant.)

Plaintiff has moved (Doc 149) for Partial Summary Judgment with respect to Count Four of the Amended Complaint to allow Plaintiff to deduct in 2003 its California Franchise Taxes measured by income realized in California in that year on the ground that it is entitled to do so under the "all events test" and that Section 461(d) of the Internal Revenue Code does not prohibit such treatment. On the basis of the authorities cited in submissions by the Parties and their argument at Hearings held on December 16, 2011, and February 17, 2012, it is ORDERED that Plaintiff's motion is DENIED.

Dated: March 20, 2012



Charles H. Gustafson

Special Master